

### **REMARKS**

Please enter the amendments to the claims and specification.

Claims 1-6 were presented for examination and were rejected.

Claim 1 has been amended to incorporate the subject matter from claims 2 through 5, in order to overcome the rejection. Therefore, claims 2 through 5 have been canceled, without prejudice, and the applicants reserve the right to re-add the canceled claims to this or to another application.

Claim 1 has also been amended to overcome the 101 and 112 rejections.

The applicants respectfully submit that they have overcome the rejections and request reconsideration in light of the following comments.

#### **35 U.S.C. 101 Rejection of Claims 1-6**

Claims 1-6 has been rejected under 35 U.S.C. 101 because they were drawn to non-statutory subject matter, referring to the limitation "fixed at three positions of the pelvis" in claim 1.

The applicants have amended the limitation in question to "fixable at three positions of a pelvis," thereby removing a human from the scope of the claim.

The applicants respectfully submit that claim 1 as amended overcomes the rejection. Because claim 6 is dependent on claim 1 and because claims 2-5 have been canceled, the applicants submit that rejection of them is also overcome.

#### **35 U.S.C. 112 Rejection of Claims 1-6**

Claim 1-6 has been rejected under 35 U.S.C. 112, Second Paragraph, because of lack of antecedent basis for the limitations "the first plane" and "the second plane."

The applicants have amended the limitation "the first plane" in claim 1, line 3 to "a first plane". Additionally, the applicants have incorporated the limitations recited in claim 2 into claim 1, having changed "the second plane" in claim 2, line 4 to "a second plane."

The applicants respectfully submit that claim 1 as amended overcomes the rejection. Because claim 6 is dependent on claim 1 and because claims 2-5 have been canceled, the applicants submit that the rejection of them is also overcome.

#### **35 U.S.C. 102 Rejection of Claims 1-5**

Claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated Farmer et al, US Patent No. 5,141,512 (hereinafter, "Farmer"). The applicants respectfully submit that the amendment of claim 1 overcomes the rejection.

Claim 1, as amended, recites:

**1.** A T-shaped gauge comprising:

- a) first to third probe rods fixable at three positions of a pelvis;
- b) a T-shaped supporter slidably connected to the probe rods to change a first plane formed by the three positions, the T-shaped supporter being supported from the first plane to a predetermined height by the probe rods, wherein the T-shaped supporter comprises:
  - i) first and second guide bars of predetermined widths, the guide bars being formed at the coaxial line on a second plane and extending from the center point toward both sides thereof by predetermined lengths, and
  - ii) a third guide bar of a predetermined width located on the same plane as the first and second guide bars at right angles to the first and second guide bars on the second plane, the third guide bar extending from the center point by a predetermined length,wherein the first, second and third guide bars correspond to the probe rods along an axis directing the center point from ends thereof, and respectively comprise first, second and third guide grooves of predetermined widths and lengths, and
- wherein the third guide bar further comprises a fourth guide groove of predetermined width and length formed between the third guide groove and the center point;
- c) a first dynamic reference base separably mounted at a portion of the T-shaped supporter, the first dynamic reference base emitting light to indicate the first plane; and
- d) a moving part moved symmetrically from the T-shaped supporter by the first and second probe rods, wherein the moving part comprises:
  - i) a transfer fragment mounted in the fourth guide groove and reciprocating axially,
  - ii) *a first link moveably connected to both the transfer segment and the first probe rod which is coupled to the first guide groove, and*
  - iii) *a second link moveably connected to both the transfer segment and the second probe rod which is coupled to the second guide groove.*

*(emphasis supplied)*

Nowhere does Farmer teach or suggest what amended claim 1 recites – namely a first link moveably connected to both a transfer segment and a first probe rod, and a second link moveably connected to both the transfer segment and a second probe rod.

Farmer instead discloses three slide elements to align with three particular points (left anterior iliac supine, right anterior iliac supine, pubis) of a patient's pelvis. The apparatus in Farmer features a razor indicator which is installed on a gauge for aligning an acetabular cup angularly during a surgery. One effect of this arrangement is that intra-operative lateral positioning of the patient causes oblique positioning of the pelvis and transition of the fat layer.

In contrast, the subject application teaches three points of a T-shaped gauge always moving in an isosceles structure for easy alignment with the three particular points, as enabled by the first and second links being moveably connected to the first and second probe rods, respectively. As a result, the T-shaped gauge can be used pre-operatively before the final positioning when the patient is in the supine position. The location of the patient's pelvis is recognized by an LED on the T-shaped gauge, and the third body extension is fixed on the pelvis.

For these reasons, the applicants respectfully submit that the rejection of claim 1 is overcome.

With respect to claims 2 through 5, those claims have been canceled, the limitations of those claims having been incorporated into claim 1.

### **35 U.S.C. 103 Rejection of Claim 6**

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Farmer.

Because claim 6 is dependent on claim 1 and for the reasons provided above and with respect to claim 1, the applicants respectfully submit that the rejection of claim 6 is also overcome.

### **Request for Reconsideration Pursuant to 37 C.F.R. 1.111**

Having responded to each and every ground for objection and rejection in the Office action mailed June 4, 2007, applicants respectfully request reconsideration of the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicants respectfully request that the Examiner telephone the applicants' attorney at 732-578-0103 x11 so that those issues can be resolved as quickly as possible.

Respectfully,  
Yong-San Yoon et al.

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